

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

DECEMBER 18, 2014; 5:33 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM JOYCE BROWN, TOM DAY,
JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

ABSENT:

MAYOR BOB STEVENSON

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
DAVID PRICE, RYAN PICKUP, DEAN HUNT,
PETER MATSON AND THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Pro Tem Brown opened the meeting and excused Mayor Stevenson. She turned the time over to Alex Jensen, City Manager.

AGENDA:

**ACCEPT PROPOSAL FOR AN AGREEMENT WITH THINK ARCHITECTURE –
LANDSCAPING ARCHITECTURAL SERVICES FOR NEIGHBORHOOD PARK – 3500
NORTH 2100 EAST – RESOLUTION 14-75**

Dave Price, Parks and Recreation Director, said Resolution 14-75 would accept a proposal for architectural services for the design of a neighborhood park, and authorize the City Manager to conduct negotiations and enter into an agreement for the services. He said the park would be located in the Greyhawk Development at 3500 North 2100 East. Dave said 12 firms were evaluated through an RFP process; the firms were rated on technical ability and a fee proposal. He said the fees ranged from a low of \$50,000 to a high of \$118,000. Dave said THINK Architecture was rated highest through the RFP process.

Council and Staff discussed the broad range in proposed fees.

Dave indicated that the City had a long history with the principals of THINK Architecture.

Councilmember Freitag asked if the design would be based on Staff's rendition or were there other processes they would go through to gather information that would be used in the design of the park.

Dave said Staff's rendition was a starting point. He said this allowed Staff the opportunity to narrow down the scope of the project. Dave said providing this information allowed for the fee to be lower; they weren't starting from scratch. He said after the public meetings with the neighborhood, Staff felt that the elements that were included in the design were appropriate. Dave said through the interview process, THINK Architecture had some ideas relative to the placement of the elements that would save the City a substantial amount of money.

Mayor Pro Tem Brown mentioned some designs they presented that would work well with the elevations of the property.

Councilmember Freitag asked what the firm would provide for their \$65,000 fee.

Dave said their scope of work was included in their proposal. He said they would start with the City's

conceptual drawing; establish a schedule; a review of the Staff's design; modify and produce design documents; provide final construction drawings and provide them in a form that the City could then use to bid the project. Dave said they would also provide construction review services.

Councilmember Freitag asked how much money was set aside for the project.

Dave said the entire project would be 1.4 million dollars. He said half of the project was included in this year's budget and half would be requested in next year's budget.

Councilmember Freitag asked when work would begin.

Dave said this coming spring or summer. He said the funds were set aside in the Park Impact Fee Fund.

Councilmember Freitag said a new element to this park was a pickle ball court. He asked if there were any other new elements.

Dave said yes; weight bearing exercise elements. He said many of the architects suggested having those by the playground so that parents could utilize the exercise equipment while children played.

Councilmember Freitag mentioned a recent survey that had a lot of feedback about parks. He said a major strength of Layton City was its parks and recreation programs. Councilmember Freitag said the information from the survey would be made available to Staff fairly soon. He said something that he was interested in, that was mentioned in the survey, was a dog park.

Dave said Staff was anxious to see the results of the survey. He said Staff had some ideas about how a dog park should be handled.

Council and Staff discussed aspects of a dog park.

Councilmember Freitag said he would be interested in asking the architects what they would do differently at Ellison Park. He mentioned the soil issues and trees that either died or wouldn't grow. Councilmember Freitag said there were definite shade issues at Ellison Park and the soil didn't take water well; it was either dry or very wet.

Dave said it was very clay soil and it was difficult for the trees to grow. He said Staff was exploring options to improve the situation.

Councilmember Freitag said it definitely impacted the use of the Park.

Council and Staff discussed parking at Ellison Park.

Councilmember Petro mentioned the location of the restroom facilities relative to the soccer fields.

Dave said additional restrooms were planned nearer to the fields as the park was built out.

AMEND CONSOLIDATED FEE SCHEDULE – ORDINANCE 14-29

Alex Jensen said this was proposed amendments to the Consolidated Fee Schedule that was discussed at the last meeting where Councilmember Freitag asked that additional research be done. He said Staff had the additional information ready to present.

Councilmember Freitag said he had a discussion with Dean this past week and was fine with the proposed amendments.

Dean Hunt, Fire Marshall, presented the Council with a list of the false alarms that had occurred during

the past fiscal year. He said there was a total of 375 calls with 162 residential, which were not regulated, and 213 commercial calls. Dean said of the commercial calls, there were 96 false alarms that were due to faulty equipment. He said the number of false alarm fees that would have been assessed a fee, based on the proposed changes, was six. Dean said the goal was to reduce the number of false alarms. The proposed amendments would give the Fire Department the needed tools to accomplish that goal. Dean explained how he calculated the proposed fees.

Mayor Pro Tem Brown said she could see that this wasn't something the City was doing to try and raise money; it was hopefully a deterrent to encourage businesses to get issues repaired and help eliminate false alarms.

Dean said every time fire engines when out, it put people and firefighters in danger. He said they wanted to eliminate that as much as possible.

Councilmember Freitag expressed appreciation for Staff doing the research to provide the additional information. He asked that the Council be informed when businesses went over the limit where fees would be assessed.

Dean said an item came up in the last meeting relative to sale of fireworks. He said everything in the City's Code referred to the International Fire Code.

Dean mentioned a fire at the Greyhawk Apartments and the success of the fire sprinkling system.

FINAL APPROVAL EXTENSION REQUEST – JENSEN HOMESTEAD SUBDIVISION – APPROXIMATELY 2700 EAST GENTILE STREET

Bill Wright, Community and Economic Development Director, said this final approval extension request was for the Jensen Homestead Subdivision located on the far east side of Gentile Street where the curve occurred. He said approximately 2 ½ years ago Mr. Jensen subdivided the property by submitting a recording through the County, which was an illegal subdivision of the property. Bill said the City had worked with Mr. Jensen to go through the subdivision process and correctly divide the lots. He said there was an existing home on one of the lots and another one of the lots had been sold. Bill said the purchaser of the lot was not aware of the subdivision issues. He said there was some dedication of property along Gentile Street for curb and gutter. Bill said a one year extension was granted a year ago by Staff and recently the City received a letter from an attorney that was representing the owner of lot 1 asking for the Council to grant an additional one year extension as they were still in their efforts to access a bankruptcy action in order to get the funding necessary to complete the plat and bond for the improvements.

Mayor Pro Tem Brown said she understood that the owner of the lot was asking for the extension, not Mr. Jensen; she was having issues with Mr. Jensen and needed time to resolve those issues.

Bill said that was correct. He said this would allow more time for the two parties to work together to be able to finalize the subdivision.

Mayor Pro Tem Brown said she understood that Mr. Jensen was supposed to put in the curb and gutter.

Bill said that was correct. He said Mr. Jensen had not done that yet and had not posted a bond for the improvements.

Mayor Pro Tem Brown said Mr. Jensen did not inform the purchaser that this was not a legal subdivision before she purchased the lot.

Bill said that was correct.

Councilmember Day asked if there were two owners; one for lot 1 and one for lot 2.

Bill said that was correct. He said lot 2 had already been in an ownership outside of Mr. Jensen.

Gary Crane, City Attorney, explained the legal process where Mr. Jensen was compelled to go through the subdivision process.

Council and Staff discussed the fill that was brought in to build up lot 1 and the geotechnical issues that had been resolved to allow for the lot to be built on.

Councilmember Freitag asked what the consequences would be if the extension wasn't granted.

Gary said the owner of lot 1 would have to go through the subdivision process again. He said there would be additional fees.

Council and Staff discussed legal issues associated with the property and the extension process.

**FINAL APPROVAL COMMERCIAL PLAT – CASTLEBROOK COMMERCIAL SUBDIVISION
– 930 WEST ANTELOPE DRIVE**

Bill Wright said this was final approval of a commercial plat for the Castlebrook Commercial Subdivision located at 930 West Antelope Drive. He said it was the former site of the Castle Reception Center. Bill said the Castle had been demolished and construction had begun on a new commercial development. He said the property would be subdivided into three lots. Bill said a building was under construction on lot 3. He said the City had received the building plans for Popeye's Chicken, which would be constructed on lot 2. Bill said the building on lot 3 would contain two restaurants; PizzaRev and Moe's. He said the plat included dedication of approximately 13 feet along the frontage for City right of way.

Councilmember Freitag asked what Moe's was.

Dean Hunt said it was a southwest grill.

Councilmember Freitag asked if there was any movement on the Mimi's building.

Bill said no.

Councilmember Francis asked about the McGrath's building.

Bill said Staff wasn't aware of anything.

**ENCOURAGE THE STATE OF UTAH TO ADDRESS COMPREHENSIVE
TRANSPORTATION FUNDING – RESOLUTION 14-77**

Alex Jensen said this was a resolution encouraging the State of Utah to address comprehensive transportation funding. He said this was an issue that came out of discussions at the Utah League of Cities & Towns (ULCT) meeting last fall.

Gary Crane said the Council previously approved becoming a part of the Transportation Coalition. He said they was putting together a public relations effort to be able to prepare the way to make some proposals at the next legislative session. Gary said the Council was aware that B & C Road Funds did very little as far as fixing and repairing the City's roads. He said if a road couldn't be serviced properly, it eventually required replacement, which was much more expensive. Gary said because of that and the increasing need for clean air options through alternative transportation, additional funding was needed. He said cities had very few options for funding sources. Gary said the ULCT was requesting that all of the cities pass this resolution, which would be forwarded to State Legislators and the Governor, indicating that transportation needs were not being met. He said funding needed to be separate from the B & C Road

Funds because those were not indexed to increases in the economy. Gary said this resolution encouraged that cities would be able to adopt a ¼ cent local option sales tax that would specifically be designated for transportation needs until such time as those needs were ever met, and then it could be used for General Fund purposes. He said it was a local option; the cities would have to individually impose the option, and it would be collected by the cities. Gary said before the cities could begin to collect the tax, they would have to designate those projects that would be considered for use of the tax.

Council and Staff discussed current funding levels and sales tax revenues.

AMEND TITLE 5, CHAPTER 5.29 AND TITLE 12, CHAPTER 12.04 REDEFINING THE TERM “JUNK DEALER” AND PROVIDING PROHIBITION OF CERTAIN ACTIVITIES ON PUBLIC PROPERTY – ORDINANCE 14-26

Alex said this item and the next were tied together.

Gary Crane said for years there had been complaints about individuals that collected junk in the City’s rights of way. He said there hadn’t been an ordinance in place that specifically addressed the issue. Gary said the State had experienced a lot of theft of copper from street lights, which would then be taken to a junk dealer and sold. He said metal was something that had become very expensive and it was something that the State Legislature had been looking at. Gary said last year they made a change in the definition of a junk dealer to include not only people that bought and sold metals, but those that collected metal who then sold it without having any identification or indication where the metal was coming from. He said the State made junk dealers the same as second hand or pawn dealers where those items being sold had to be identified and tied to a specific person.

Gary said Staff had included three changes to the Municipal Code, one of which had to go through the Planning Commission approval process, and a public hearing. He said that amendment was in Chapter 19 and was identified in the next item.

Gary said the ordinance changes indicated that a person could not carry on this type of business unless they had a place of business to do it; the place of business could not be in a public right of way. He said State law required that these types of businesses had to identify where and from whom the junk was coming from. Gary said the ordinance also indicated that they could not obstruct the public rights of way or streets with these types of businesses. He said the ordinance changes were consistent with changes made to State law last year and would allow for the City’s Code Enforcement Officers to enforce the law. Gary said the City had experienced issues with junk dealers on the road to the dump and along Highway 193.

Gary said the amendments to Title 5 and Title 12 did not require a public hearing, but changes to the zoning ordinance, Title 19, required a public hearing.

Councilmember Petro said she understood the purpose for this. She asked if the City could identify a place where they could set up shop.

Gary said they would only be allowed in a manufacturing zone. He said there were a couple of legitimate junk dealers in manufacturing zones. Gary said they would not be allowed to set up on a corner or along a roadway; that was exactly what the State didn’t want to happen because that buyer took the junk to a legitimate dealer and couldn’t identify where the metal was coming from. He said because of the price of copper, there was a lot of metal being stolen.

Councilmember Petro asked if the dealer on the east side of Fairfield Road, that had a sign in his front yard, would be able to continue to do business at that location.

Gary said that was an agricultural/residential zone and he would not be able to run a salvage business at that location.

AMEND TITLE 19, CHAPTER 19.02, SECTION 19.02.020 DEFINITIONS – ORDINANCE 14-30

Discussion of this item was included in the previous item.

The meeting adjourned at 6:53 p.m.

Thieda Wellman, City Recorder